

Remarks/Arguments:

In response to the Office Communication of August 15, 2008, the applicant agrees to the Communication to the extent that the claims are identical to those shown in this document. The applicant notes that the inventor's Declaration filed along with this application identified the specification as amended "by a Preliminary filed along with the U.S. National Phase application," along with the amendment made in the international phase on November 8, 2004. That amendment made on November 8, 2004, reduced the total number of claims to 1-5 which were further amended as shown in the Preliminary Amendment filed along with the national stage application. Thus, only claims 1-5 were present in this application as of the filing of the national phase application. Claims 6 and 7 were added in the Amendment submitted on April 14, 2008, and, in view of the above, are believed to have been properly numbered as 6 and 7, not 11 and 12 as indicated in the Examiner's Amendment. Moreover, there was no need to cancel claims 6-10 in the Examiner's Amendment because those claims were, in fact, canceled by the amendment made on November 8, 2004, in the international phase as affirmed in the Preliminary Amendment filed on October 17, 2005.

Accordingly, the pending claims are properly listed in this filing, and are taken from the Amendment filed on April 14, 2008. The applicant is concerned that claims 1-5 referred to in the Examiner's Amendment of August 15, 2008, will be claims 1-5 as listed PCT Publication No. WO 2004/092098. Accordingly, with this filing, the applicant respectfully requests the Examiner to confirm that claims 1-5 to be printed in the patent are not claims 1-5 as written in the '098 application but, in fact, are properly claims 1-5 as they appear in this Communication. It that is not the case, the applicant respectfully requests that the Examiner reverse the Examiner's Amendment of August 15, 2008, to ensure that the proper claims are listed in the patent.

Respectfully submitted,



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The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.

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